

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

CABRINI MEDICAL CENTER,

Debtor.

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Chapter 11

Case No.: 09-14398 (AJG)

**AFFIRMATION IN OPPOSITION REGARDING DEBTOR'S SECOND OMNIBUS
APPLICATION PURSUANT TO SECTION 502 OF THE BANKRUPTCY CODE
AND FED. R. BANKR. P. 3007 DISALLOWING AND EXPUNGING
CERTAIN DUPLICATE, AMENDED, AND SUPERSEDED CLAIMS**

1. Claimant, Charles Apelian (hereinafter "Mr. Apelian") opposes the Debtor, Cabrini Medical Center's application to disallow and expunge Mr. Apelian's claim to the extent of ensuring that only the duplicate claim is disallowed and expunged and that his surviving claim against Cabrini Medical Center for medical malpractice remains in full effect.

2. On August 11, 2009, Mr. Apelian filed Official Form B10 entitled Proof of Claim with the Clerk of the U.S. Bankruptcy Court, Manhattan Division. A copy of the application is attached hereto as Exhibit A. This claim was designated claim number 100, according to the Debtor's Exhibit A. Thereafter, this office on behalf of Mr. Apelian received a Notice of Deadline Requiring Filing of Proofs of Claim on or before November 20, 2009, directing that claims be sent to Cabrini Claims Processing c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245. A copy of the notice is attached hereto as Exhibit B.

3. On November 16, 2009, this office on behalf of Mr. Apelian sent a completed B10 Proof of Claim form and supporting documents to Cabrini Claims Processing c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245, to ensure that his claim

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was properly filed. A copy of the letter and attachments is attached hereto as Exhibit C. This claim was designated claim number 289, according to the Debtor's Exhibit A.

4. It appears as though filing the claim with the Bankruptcy Court and then subsequently sending a claim form to Cabrini Claims Processing c/o Kurtzman Carson Consultants LLC, inadvertently caused duplicate claims to be filed for Mr. Apelian.

5. Mr. Apelian does not oppose the deletion of his duplicate claim, claim number 100, as long as his surviving claim, claim number 289, remains in full effect.

WHEREFORE, it is respectfully requested that if this Court deems it proper to disallow and expunge claim number 100, that it keeps surviving claim number 289; and for such other and further relief as this Court deems just and proper.

Dated: Westbury, New York
January 4, 2011



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